

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6906

BILL NUMBER: SB 177

NOTE PREPARED: Jan 2, 2010

BILL AMENDED:

SUBJECT: Indianapolis Historic Preservation Commission.

FIRST AUTHOR: Sen. Miller

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: *Indianapolis Historic Preservation Commission (IHPC) Members.* This bill provides that a member of the IHPC serves at the pleasure of the appointing authority and may be removed for any reason. A member appointed before July 1, 2010, continues to serve as a member of the IHPC after June 30, 2010, until the member's term expires or the executive removes the member for any reason. If the executive removes the member for any reason, the executive appoints a successor to serve for the remainder of the vacated term.

IHPC Review of Certificate of Appropriateness. The bill provides that a determination of the IHPC regarding an application for certificate of appropriateness is subject to review by petition to the city-county council. The city-county council must prescribe the appeal time limits and form by rule. A decision of the city-county council is subject to review by certiorari upon petition to the circuit or superior court of the county. Any appeal of a (1) pending IHPC determination on an application for a certificate of appropriateness; or (2) IHPC determination on an application for a certificate of appropriateness for which a petition for certiorari has not been filed; that is taken after the close of business on June 30, 2010, must be filed with the legislative body of the county.

Historic Preservation Commissions Excluding Marion County. The legislative body of a municipality or county (excluding Marion County or a municipality in Marion County) may require that a determination of the unit's historic preservation commission upon an application for a certificate of appropriateness must be reviewed by the municipal or county legislative body.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *IHPC Members.* Members of the IHPC receive no salary, but are entitled to reimbursement for any expenses incurred in the performance of their duties. Local expenditures could change if travel expenditures change due to a change in membership. The budget of the IHPC and its staff constitutes a part of the consolidated city budget, and the county comprises the taxing district for the IHPC.

IHPC Review of Certificate of Appropriateness. The bill provides that a determination of the IHPC regarding an application for certificate of appropriateness is subject to review by petition to the city-county council. Currently, a decision of the IHPC is subject to judicial review. These provisions could decrease judicial expenses while increasing city-county council expenses. The specific impact is indeterminable.

Historic Preservation Commissions Excluding Marion County. The bill provides that the legislative body of a unit may, by ordinance, provide that the commission's determination upon an application for a certificate of appropriateness **may** be subject to review by the legislative body of the unit. This provision could decrease judicial expenses while increasing the local units' administrative expenses. The specific impact is indeterminable and will vary by unit.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Local historic preservation commissions.

Information Sources:

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